

REMARKS

Claims 1-48 are pending in the present application. Claims 1-11, 21-40 and 42, 43, and 45-48 are withdrawn from consideration. In the Final Office Action, claims 12-20 and 41 are objected to/rejected as follows: (1) claims 13 and 14 are objected to under 37 CFR 1.75(c) as being of improper dependent form; and (2) claims 12-20 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dole *et al.* (2003/0044366 A1).

Claim 44 is cancelled in this response. Claims 12, 13 and 14 are amended in this response. No new matter has been added. The amendment to independent claim 12 incorporates the limitations of claim 44 and thus do not require the Examiner to conduct any additional searches. Similarly, the amendments to dependent claims 13 and 14 narrow the previously specified claim range and thus also do not require an additional search. Applicants submit that these amendments are proper because they place the claims in better position for allowance or appeal. Therefore, in view of the amendments and remarks presented herein, the undersigned respectfully traverses these rejections as set forth below.

Response to Objections to Claims 13 and 14

Applicants have amended claims 13 and 14 so that the claims properly depend from independent claim 12. The range of retinoic acid as described in claims 13 and 14 have been amended to provide “between 5% and 18%” and “between 5% and 16%”

respectively. By amending the lower limit of the range of retinoic acid in each of claims 13 and 14, the claims now fall within the range as set forth in independent claim 12. Because the range of the claims was merely limited to a range previously presented in claim 12, the amendments find adequate support.

Thus, in view of the amendments presented herein, the Applicants kindly request that the objections to dependent claims 13 and 14 be reconsidered and withdrawn.

Response to Rejection of claims 12-20 and 41 under 35 U.S.C. §103(a)

The Examiner rejected claims 12-20 and 41 as being obvious in view of Dole. Specifically, the Examiner alleges “the instant specification fails to define ‘cosmetic cream base’...” thus when read broadly the present claims are obvious.

Independent claim 12 has been amended in this response to include the features of claim 44, relating ranges for an embodiment of the composition of the cream base. Applicants note that there is no disclosure in Dole, nor any suggestion, that one skilled in the art would modify the composition of a cosmetic mask as provided for in claim 12. Thus, in view of the amendments presented herein, the Applicants kindly request that the rejections of claims 12-20 and 41 be reconsidered and withdrawn.

CONCLUSION

Applicants submit that no fees are believed due. However, should any fees be due, please charge Deposit Account No. 11-0171. If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shadaia M. Gooden', with a long horizontal flourish extending to the right.

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